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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 1003/2017

VINOD KUMAR GUPTA ..... Appellant

Through Mr.Arvind Kumar and Mr.Harsh Vardhan Sharma, Advocates.

versus

DEPUTY COMMISSIONER OF INCOME TAX CENTRAL CIRCLE – 17 ..... Respondent

Through Mr.Zoheb Hossain, Sr. Standing Counsel for the Revenue.

**CORAM:**
**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**
**HON'BLE MR. JUSTICE A. K. CHAWLA**

**O R D E R**

% **04.05.2018**

**CM APPL. 18173/2018 (for condonation of delay of 8 days in filing the Review Petition)**

For the reasons stated in the application, the delay of 8 days in filing the review petition is condoned. Application stands disposed of.

**REVIEW PETITION 185/2018**

The grounds on which the review petition is premised i.e. conclusion for separate satisfaction note under Section 153(C) was inessential in the facts of this case, cannot be characterized as "errors apparent on the face of the record", as to attract the review jurisdiction of the Court.

The review petitioner/appellant points out to certain factual errors. It is submitted that the observations in para 9 that the counsel argued with respect to the agreement to divide the assets of the group company and family assets in the ratio of 40:60, being acceptable is not correct. Accordingly, the said paragraph shall be recast as follows:-

> *"Counsel argued that the Tribunal's decision that the assessee and his brother Suresh Kumar Gupta have agreed before the Company Law Board to divide the assets of the family and the group companies in ratio of 40: 60, respectively among them could not be the basis of the finding that the undisclosed interest income should have been apportioned in the same ratio between them."*

It is next submitted that the observations in para 16, was not called for since the lower appellate authorities had granted relief on this aspect.

In the light of the submissions made, which are matter of record, para 9 shall be appropriately substituted with the paragraph in italics indicated above; the observations in para 16 shall not result in any further addition on the basis of appeal given effect to, since the lower appellate authority had granted relief to the applicant/appellant on this aspect.

The above clarifications shall be reflected, in the corrected certified copy of the order.

The review petition is partly allowed in the above terms.

**S. RAVINDRA BHAT, J**

**A. K. CHAWLA, J**

**MAY 04, 2018/**ndn